

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHAWN C. LEIKER,

No. C 09-02657 SBA (PR)

Petitioner,

ORDER OF DISMISSAL

v.

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Respondent.

This case was commenced when Petitioner filed a document captioned "Petition For A Writ of Habeas Corpus." Petitioner has paid the \$5.00 filing fee for habeas corpus actions.

It appears from the petition that Petitioner challenges a state juvenile court proceeding. However, this Court does not have jurisdiction to review a state court juvenile dependency proceeding. Generally, no constitutional cause of action will lie for such claims where adequate state post-deprivation procedures exist. See Ellis v. Hamilton, 669 F.2d 510, 514 (7th Cir.), cert. denied, 459 U.S. 1069 (1982). For example, parents in child custody or dependency proceedings can appeal or otherwise challenge the legality of the proceeding itself, can seek custody orders in the state court which has jurisdiction over the child, can seek agency review, and perhaps bring a state law action. See Mazor v. Shelton, 637 F. Supp. 330, 335-36 (N.D. Cal. 1986). It is most likely that Petitioner's remedy lies in state court.

CONCLUSION

For the foregoing reasons, Petitioner's case is DISMISSED. The Court has rendered its final decision on this matter; therefore, this Order TERMINATES Plaintiff's case. The Clerk of the Court shall terminate all pending motions and close the file.

IT IS SO ORDERED.

DATED: 5/3/10


SANDRA BROWN ARMSTRONG
United States District Judge

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1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

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6
7 SHAWN C LEIKER,

Case Number: CV09-02657 SBA

8 Plaintiff,

CERTIFICATE OF SERVICE

9 v.

10 THE PEOPLE OF THE STATE et al,

11 Defendant.
12 _____/

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on May 5, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
17 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19 Shawn C. Leiker 209387
20 MN Correctional Facility
21 7600 525th Street
22 Rush City, MN 55069

23 Dated: May 5, 2010

24 Richard W. Wieking, Clerk
25 By: LISA R CLARK, Deputy Clerk
26
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